



APPROVED

KITTERY PORT AUTHORITY

February 6, 2014 Meeting Minutes

Council Chambers, Town Hall

Members Present: Bob Melanson, Chairman, Ray Grenier, Steve Lawrence, Kelly Philbrook, Dan Arbo (6:34 p.m.)

Members Absent: Barry Bush, Tom Smith

Staff: Harbormaster Mike Blake

The meeting of February 6, 2014 was called to order at 6:01 p.m.

1. Pledge of Allegiance

2. Minutes:

Mr. Grenier moved to approve the minutes of January 8, 2014 as submitted

Mr. Lawrence seconded

Motion carried unanimously by all members present

3. Public Segment

- Gene Cosloy, Kittery Point - voiced his concern that the annual fee for a sticker has gone up each year, and he would like to see fee increases that are commensurate with what is gained with those fees.

Ms. Philbrook responded the cost to launch his kayak is \$50 per season, not each launch, though the fees should be different to launch a kayak vs. a sailboat or motorboat, noting a kayak can be launched from other areas instead of the public wharf.

- Milton Hall:

- doesn't understand where there will be a savings by the sharing of the Kittery Harbormaster with Eliot;
- noted elections should have the Planning Board representative as an administrative position and the secretary handle finances, not the Harbormaster;
- the Traip ramp must be shoveled and sanded all year to be ADA compliant, and there is a missing railing at Government Street pier. These are examples of things that can't get done if the Harbormaster is elsewhere.

4. Election of Officers

Mr. Grenier nominated Bob Melanson as Chairman

Mr. Lawrence seconded

No other candidates were presented for consideration

Motion carried unanimously by all members present

Ms. Philbrook nominated Ray Grenier for Vice Chairman

Mr. Lawrence seconded

Mr. Grenier requested that he not be considered for this position

There were no further nominations presented

Ms. Philbrook withdrew her nomination

The nomination for Vice-Chairman will be continued to the March meeting.

Secretary:

Mr. Lawrence nominated Kelly Philbrook as secretary

Mr. Grenier seconded

Ms. Philbrook accepted the nomination

Motion carried unanimously by all members present

5. Harbor Master Report & Expense/Income YTD

- Aids to navigation located;
- Government Street Pier winch repaired for \$145;
- \$1,600 expense for no wake buoys;
- \$15,000 collected to date.

6. Marinas Piers & Floats - Schedule a Public Hearing

- Continue review of Frisbee Holdings, LLC, 88 Pepperrell Road, Map 27, Lot 49 in the LB Zone. Proposal to add a 8x50 foot seasonal float attached to the existing 6x72 foot fixed pier, gangway and float to provide deeper water access. Applicant submitted requested information: mooring watch circles; mooring and property abutters; lease agreement between Frisbee Holdings LLC and Captain & Patty's LLC. Mr. Melanson noted he met with the Town Manager who met with the Council chairman regarding the 50-foot setback issue. The Council asked that the review process on this application continue, and will await further input from the KPA following the public hearing.

Ms. Philbrook moved to find the application of Frisbee Holdings LLC substantially complete and schedule a public hearing

Mr. Lawrence seconded

Motion carried unanimously by all members present

A Public Hearing will be scheduled for March 6, 2014.

Mr. Lawrence asked that the location of the proposed float be marked for a site walk. Mr. Taylor will notify the Chairman as to the date and time for viewing, according to the tide charts. Mr. Melanson will notify KPA members of the date and time of the site walk.

- Conduct Public Hearing for Michael Parsons, 165A Whipple Road, Map 16 Lot 204 in the UR Zone. Proposal to add stairs (12 feet); 5x20' pier; 3x25' seasonal ramp and a 16x12' seasonal float.

The Public Hearing opened at 6:40 p.m.

A site walk was held with Mr. Melanson and in attendance. Mr. Lawrence noted he visited the site at a later time.

Mr. Hall stated he does not believe the applicant needs anchors as proposed.

There was no further public comment

Mr. Melanson noted the applicant has received ACOE approval and is awaiting DEP approval.

The Public Hearing closed at 6:42 p.m.

Ms. Philbrook moved to approve the application from Michael Parsons, to add stairs (12 feet); 5x20' pier; 3x25' seasonal ramp and a 16x12' seasonal float at 165A Whipple Road, Map 16 Lot 204 in the UR Zone.

Mr. Grenier seconded

Motion carried unanimously by all members present

7.
 - Pepperrell Pier Project Status. Mr. Melanson (see Attachment 1)
Timeline prepared by Prock Marine; involvement by the MDOT, Public Works and KPA; Tom Smith is the oversight representative of the KPA.
 - Wave Attenuation Project. Mr. Melanson
Grant awarded by Department of Agriculture, to study feasibility of utilizing dredge material for wave attenuation off Gooseberry Island. Peter Walsh is preparing the RFP for project.
 - Traip Float Project. Harbormaster Blake
Design prepared by Wright-Pierce; in process of developing a construction RFP to increase float size at Traip; Ms. Philbrook noted this needs to go before the KPA for review and a Public Hearing. A Public Hearing will be scheduled for March 2014.
 - CIP 2015 Requests. Mr. Melanson
Requests include: new boat; float replacement and repair - \$20,000; new hoist; pier railing; and Pepperrell Pier amenities.
8. Rules & Regulations 2014 – Public Hearing on Proposed Changes
Mr. Melanson read the changes into the record (Attachment 2)
Public Hearing opened at 6:55 p.m.
 - Susan Tennant, Kittery, noted she is opposed to water harbor usage fees on mooring owners as it is, essentially, an increase to the mooring fees. Mooring fees have risen 600% in the past 4 years, and are the third highest in the state. Kittery is one of the few communities that do not designate between resident and non-resident fees. Mooring fees for a 25-30-foot boat in Camden is \$160 for residents, \$320 for nonresidents; Freeport, \$90 and \$385; Castine \$75 and \$350. Charges for dinghies range from \$50 - \$100 for residents, but double for nonresidents. She acknowledged that Pepperrell Cove mooring holder fees cannot be different as it is a Federal Channel, but this would not apply to the Back Channel, Spruce Creek, Chauncy Creek, or other Kittery waters, or for dinghies at the town pier. She asked that, where it can be done, fees be different for non-residents, and give tax-paying residents a break.
 - Milton Hall supported Ms. Tennant's observations and noted that in some communities if you pay an excise tax there is no charge for launches (Freeport), or moorings (Belfast). He noted that if the Council expects the KPA to become self-sustaining and maintain all the piers and wharfs in town, fees and taxes should be received by the KPA to that end.
 - Peter Walsh, DPW. The BIG Project may have a 10-day restriction vs. the 14-day limit proposed in the revised rules and regulations.

Mr. Lawrence noted fishermen in some communities must pay each time they use a town hoist. Discussion followed regarding miscellaneous fees and resident and non-resident fees.

The Public Hearing closed at 7:17 p.m.

Mr. Grenier moved to approve changes to the Rules and Regulations as presented.

Mr. Arbo seconded

Motion carried with 4 in favor; 1 opposed (Philbrook); 0 abstentions

Mr. Melanson noted decisions of the Kittery Port Authority may be appealed within 45 days. The effective date of these changes to the Rules and Regulations is February 6, 2014.

9. Kittery Shore & Harbor Plan

A new draft has been submitted to the Town Manager.

10. Pier Hoist

Further review is needed. Mr. Lawrence and Harbormaster Blake will meet with Tom Smith to determine next steps.

11. New & Old Business -

Bob Melanson noted the particulars regarding the sharing of the Harbormaster with Eliot are ongoing. Harbormaster Blake explained while there is no financial savings in the arrangement, Kittery is gaining increased service days for assistant harbormasters through the Eliot financial contribution. (Attachment 3)

There was no further business.

12. Adjourn

Ms. Philbrook moved to adjourn

Mr. Grenier seconded

Motion carried unanimously by all members present

The Kittery Port Authority meeting of February 6, 2015 adjourned at 7:35 p.m.

Submitted by Jan Fisk, February 17, 2014

ATTACHMENT 1

Projects approved at Pepperrell Cove Work to begin on major float system

By **Deborah McDermott**

February 03, 2014 2:00 AM

KITTERY, Maine — Starting this spring, a surge of activity will get under way at Pepperrell Cove as three separate but related projects begin — including a new major federally funded float system.

After months of back-and-forth decisions by the Town Council, which first rejected and then accepted it, the town last week paved the way for work to begin on a federal Boating Infrastructure Grant, or BIG, project, which encourages the use of marine facilities for transient boaters.

A \$322,000 floating dock system will be built next to the Pepperrell Pier, the former Fishermen's Pier, for up to six boats. An Americans with Disabilities Act ramp will be built as well. The federal government will pick up the tab for \$232,000, and the town will use funds already set aside through its capital improvement program for the remaining \$90,000.

Town Manager Nancy Colbert Puff signed the contract with Prock Marine of Rockland last week.

According to Kittery Port Authority Chairman Bob Melanson, the work is expected to begin this week. Prock Marine will be constructing the floats at its facility in Rockland, and floating them to Kittery by barge. This will minimize disruption to fishermen and lobstermen who use the cove for work, he said.

The company is expected to be on site starting in April and work should conclude by mid-June, Melanson said, in time for the summer boating season.

The council has made clear that it wants the KPA to pay back the CIP funds and ultimately be self-supporting. The KPA will hold a public hearing Thursday, Feb. 6, on a proposed harbor water and usage fee of \$1 per foot for each boat that has a mooring.

Concurrently, two other projects will also begin this spring in Pepperrell Cove. Capital improvement program funds will be used to fund a Bellamy Lane utilities improvement project. The \$70,000 to \$80,000 project is expected to upgrade utilities to the entire cove, and will bring electrical and seasonal water service as far as the dock area, Melanson said.

The town's Department of Public Works will be the lead department for this project.

To connect the electricity, water and even Internet to the new float system, the Maine Department of Transportation is expected to pick up the cost of an \$80,000 waterside utility project.

Both of these projects are expected to be completed this spring.

ATTACHMENT 2

Mooring, Town Transient: Moorings available for overnight rental through the Harbormaster.

Town Transient Slip Rental: Float system docks on Pepperrell Pier available for overnight rental through the Harbormaster.

Harbor/Water Usage fees are due upon vessel registration, or upon exceeding 14 days in Kittery waterways. Mooring holders are subject to this fee. Failure to remit payment to the Town of Kittery will result in a fine not to exceed \$50.00, payable to the Town of Kittery. Vessels in boat yards for repair are exempt from this fee.

1. Kayaks, canoes, sailboards, row boats, skiffs, paddleboards, single person sailboats and motorboats displaying the milfoil stamp used solely in freshwater are exempt, but are subject to the KPA launch fee schedule. (See Section X)
 2. Vessels not on Town-owned moorings that have paid their Harbor/Water Usage Fee will be issued a colored sticker to be affixed to the port bow.
 3. KPA mooring and Harbor/Water Usage stickers will be issued at the time of fee payment.
 4. Liability for Costs: Vessel owners are liable for all legal and administrative costs incurred in any attempt to collect past due fees or to enforce the provisions of this section.
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D. Annual Renewal of Mooring Site Permits:

All mooring site permits must be renewed and all fees paid by April 15th of each year and prior to putting his or her boat on that mooring.

J. Transient Moorings, Commercial Service, and Rental Moorings:

1. Municipal:

Town Transient Moorings are provided and maintained by the Town of Kittery for the use of visiting vessels. Such vessels may use these moorings for a period of no longer than fourteen (14) days, or at the discretion of the Harbormaster. A schedule of fees for such usage will be established by the Port Authority.

A. General Provisions:

1. Upon receipt of an approved mooring site renewal application from the Harbormaster, it is the responsibility of a mooring site holder to submit the approved permit application to the

Town together with all fees due. Payment of all mooring site fees are due before April 15th of each year.

B. Mooring Site Fees:

1. Mooring: \$6.00 per foot; Minimum \$150.00.
 2. Transient Mooring sites (Yacht Clubs): \$6.00 per foot; Minimum \$150.00
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D. Other Fees:

1. Town Transient Mooring Rental: \$30.00 per night (14 days, or at the discretion of the Harbormaster)
 2. Town Transient Slip Rental: \$2.50 per foot and \$15.00 per receptical
 3. Applications for Piers, Ramps and attached Floats: \$100.00
 4. Dinghy seasonal tie up fee: \$45.00 for all Town Piers, Floats and Ramps. Only mooring holders may tie up dinghies on a seasonal basis.
 5. Outhaul: No charge
 6. Mooring Site Waiting List: \$10.00 annually.
 7. All Kittery Boat Launch Ramps: Non-mooring holders must pay a fee to launch a boat at Kittery launching ramps.
 - a. Seasonal Launch Fee: \$50.00 (Senior Citizens (65 and over, and active duty military (payable at Town Hall): \$40.00
 - b. Day Launch Fee: \$5.00, Non-motorized ; \$10.00 Motorized.
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Change 019: Addition of definitions: Mooring, Town Transient and Town Transient Slip Rental; Senior Citizen discount; miscellaneous administrative corrections and additions, following the KPA Public Hearing on February 6, 2014.

ATTACHMENT 3

Kittery, Eliot look into sharing harbormaster

By **Deborah McDermott**

February 06, 2014 2:00 AM

KITTERY, Maine — In the wake of last year's decision by Kittery and Eliot to share a police chief, the towns are now considering sharing a harbormaster as well.

Discussion has been under way between the towns to give Kittery Harbormaster Mike Blake authority in the two towns, although no final decision has been made.

"We've gone through substantial steps to make this happen," said Theodor Short, the police chief for Kittery and Eliot. "At this point, we just need to put pen to paper."

Blake said he currently covers an area including Pepperrell Cove, the Isles of Shoals, Spruce and Chauncy creeks, and up past the Portsmouth Naval Shipyard, under the Interstate 95 bridge and through the back channel.

The Eliot harbormaster's jurisdiction covers an area farther up the Piscataqua River, he said. Eliot's former harbormaster, Harold Place, retired from the position last fall and has not yet been replaced.

According to Blake, adding Eliot to his responsibilities will not present a problem.

"Probably the majority of my enforcement is on the river anyway," he said.

According to Short, Eliot paid Place \$12,000 for the part-time job. Blake said that, as discussed, that money would fund two extra days for part-time harbormasters Allen Breton and Paul Bourque, which would free up Blake to take on the extra duties.

"What they're looking for in Eliot is to step up the enforcement aspect of things and sort out the mooring invoices," he said. He said Eliot has 180 moorings, while Kittery has 564.

"With the added funds, it's not costing the town of Kittery anything and it's increasing the time we get to spend out on the water," he said.

Blake is officially under the jurisdiction of the Kittery Port Authority, but that is likely to change even if an agreement can't be reached. According to Short, the town is working to bring the harbormaster position under the Kittery Police Department — as it is in Eliot.

"He already has enforcement powers now. He carries a weapon and meets the criteria for training for reserve officer status," Short said.

The KPA has already given its official blessing to the shared position with Eliot, said Chairman Bob Melanson. He said it makes sense to the board to increase the responsibility of the harbormaster positions, especially with a new float system for transient boats that will be built this spring.

Kittery Town Manager Nancy Colbert Puff cautioned that the two towns have not come to any agreement yet, and discussions are ongoing. However, with budget season in both towns set to begin, she expects some decision will need to be made soon.